

VZCZCXRO2109
RR RUEHFL RUEHNP
DE RUEHRO #0535/01 1321308
ZNR UUUUU ZZH
R 121308Z MAY 09
FM AMEMBASSY ROME
TO RUEHC/SECSTATE WASHDC 2067
INFO RUEHFL/AMCONSUL FLORENCE 3626
RUEHMIL/AMCONSUL MILAN 0038
RUEHNP/AMCONSUL NAPLES 3815
RUEAHL/DEPT OF HOMELAND SECURITY WASHINGTON DC
RUCPDO/DEPT OF COMMERCE WASHDC

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SIPDIS

STATE PLEASE PASS TO USTR FOR JENNIFER CHOE GROVES, LESLIE YANG,
CHRISTOPHER WILSON
STATE PLEASE PASS TO EEB/TPP/IPE FOR JOELLEN URBAN, TIMOTHY MCGOWAN,
ROBERT WATTS
DEPT OF COMMERCE FOR SUSAN WILSON
DHS PLEASE PASS TO ICE

E.O. 12958: N/A

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SUBJECT: NEW ITALIAN DIRECTORATE FOR INTELLECTUAL PROPERTY

¶1. (U) Summary: The Italian government has reorganized its patent and trademark offices, creating a General Directorate for Intellectual Property. The new Directorate will be responsible for all domestic anti-counterfeiting action and will, in addition, coordinate the action of all agencies with IPR-related responsibilities. Econoffs met recently with the new Director General who outlined her plans for the office and committed to taking on new initiatives to protect and promote intellectual property rights. End Summary

¶2. (U) A major reorganization of the Ministry of Economic Development has transformed the Italian Patent and trademark office into a general directorate for Intellectual Property. The new directorate maintains its traditional patent and trademark registration responsibilities and has also acquired all the functions previously assigned to the Anti-Counterfeiting High Commissioner. (The High Commissioner's office was abolished in 2008, officially as a money-saving measure, but also possibly because of the limited effectiveness of the office.)

¶3. (U) The Directorate will now be responsible for all domestic anti-counterfeiting action and sensitization activities, which will include proposing legislation, conducting sensitization and information campaigns, and working with industry to help it maximize the value of innovation. The directorate has been given the means and authority to coordinate the activities of all public sector agencies with IPR-related responsibilities. Italy has previously lacked an effective coordinating entity, which has made IPR protection a bureaucratic challenge, given the number of Italian agencies which work on the issue. The Directorate will also collaborate closely with Italian law enforcement agencies as well as with the Prime Minister's Office and the Ministry of Foreign Affairs in the context of the GOI's international IPR activities. A finance police (Guardia di Finanza) Colonel, Marco Fanti, has been assigned to head the Directorate's anti-counterfeiting division.

¶4. (U) Loredana Gulino, has emerged from the ranks of the Ministry to head the Directorate. She was previously head of general affairs and personnel. Though she has limited experience in the field of IPR, she appears extremely energetic and seems to have taken on the job with interest and enthusiasm. At a recent meeting she told Econoffs that merging the functions of the former High Commissioner into those of the IPTO will allow the office to effectively and authoritatively coordinate among the numerous Italian agencies with separate responsibilities for IPR protection. In addition, the new structure will clearly define roles among those entities: The Ministry of Foreign Affairs will take the lead on foreign policy and international aspects of IPR, and the Prime Minister's Office, and to some extent the Ministry of Culture, will work on copyright issues.

15. (U) Gulino said the Directorate's activities in direct support of industry will focus on design, trademarks and patents, but its sensitization and prevention efforts will be geared to promoting a wholly rounded approach to IPR protection, including copyright. It will also participate in the overall GOI IPR decision making process which includes international aspects of IPR protection and copyright matters.

16. (U) Gulino said she has already created two working groups on IPR protection: one for the private sector and a second composed of public administration representatives. Goals of the former are to understand industry needs and also to educate industry on the possibilities and the value of IP. Gulino said that much of Italy's industrial sector is represented by small and medium companies which are very often not fully aware of the economic value of IP or capable of maximizing the potential of their innovations. Another area of interest is combating the sale of counterfeit goods over the Internet. The Directorate is creating a web site for its anti-counterfeiting activities (still largely under construction) and intends to be active in public sensitization campaigns. It has already launched a public communications campaign on national television. The ad "stars" Italy's world champion national football team coach Marcello Lippi, who delivers a message against fake products. The Italian football team's appeal to the public is significant. Col. Fanti told us that he believes this is a breakthrough in anti-counterfeiting sensitization and that the message will be heard by the public. He also indicated that the Ministry intends to more specifically focus the targets of its campaigns, as he believes that prevention is possibly more important than repression in the field of IPR protection.

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17. (U) Gulino, who solicited the meeting, underscored her interest in maintaining and strengthening the collaboration established with the USG over the recent past (Embassy and IPTO have collaborated and co-sponsored a series of joint seminars aimed at promoting IPR protection in Italy. The IPTO was the principal Italian negotiating counterpart in the development of the 2002 bilateral agreement on IPR and Innovation cooperation).

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Comment
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18. (U) Post views the consolidation of the High Commissioner and Patent and Trademark Office functions as a potentially positive development. This could lead to a more streamlined coordination of domestic anti-counterfeiting activities and a better and clearer coordination of overall GOI IPR activities. Moreover, the new structure has the full authority of the Minister behind it, something the High Commissioner's Office lacked. The Minister of Economic Development is a heavyweight figure in Italy's current government. The Directorate operates within the Ministry's Department for Development and Internationalization of Enterprises, and Gulino reports to the Minister through the Head of the Department. The former High Commissioner was a semi-independent agency under the general coordination of the Ministry, with a very loosely defined mandate and very limited authority. Gulino indicated that she is interested in taking the lead in various initiatives previously organized entirely by the Embassy (for example, magistrate training/sensitization off-sites). If this comes to pass it would send a strong signal that GOI is becoming more committed to IPR protection.

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